MYSORE ACT No. XXXIII OF 1952.

THE MYSORE SILKWORM SEED (CONTROL OF DISTRIBUTION) ACT, 1952.

(Received the assent of the President on the Twelfth Day of November 1952.)

An Act to provide for the regulation of the production, supply and distribution of silkworm seed in [1][the State of Mysore except Bellary District].

Preamble.

WHEREAS it is expedient to provide for the regulation of the production, supply and distribution of silkworm seed in [1][the State of Mysore except Bellary District];

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Silkworm Seed (Control of Distribution) Act, 1952.

(2) It extends to the [1][whole of the State of Mysore except Bellary District].

(3) This section shall come into force at once; and the remaining provisions of this Act shall come into force in such area of the State and on such date as the Government may, by notification, specify.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

(1) "Government" means the State Government;

(2) "Licensing Authority" means the Director of Sericulture in Mysore and includes any other officer authorised by the Government in this behalf;

(3) "licensed buyer" means a person in charge of a Charka establishment, or a filature establishment licensed under this Act to purchase silkworm cocoons for reeling silk;

Explanation.—In this clause "Charka establishment" means an establishment where silk reeled from silkworm cocoons with the help of any instrument not worked by power, and "filature establishment" means an establishment where silk is reeled from silkworm cocoons

1. See the Mysore Adaptation of Laws Order, 1958.

with the help of any instrument worked by power, and "power" means any form of energy which is mechanically transmitted and is not generated by human or animal agency and includes electrical energy;

(4) "notification" means a notification in the *Mysore Gazette*;

(5) "prescribed" means prescribed by rules made under this Act;

(6) "rearer" means a person engaged in rearing silkworms for the production of silkworm cocoons, whether for reproduction or reeling;

Explanation.—In this clause "rearing" includes all operations from the incubation of silkworm eggs and brushing of silkworms to the harvesting of cocoons;

(7) "silkworm" includes mulberry silkworm, tussar silkworm and eri silkworm;

(8) "silkworm seed" means and includes silkworm cocoons used for preparing seed, moths, eggs and any silkworm of whatever description to be used for purposes of reproduction and rearing.

Regulation of manufacture, etc., of silkworm seed.

3. No person shall manufacture, store, transport, sell or otherwise distribute or dispose of silkworm seed except under and in accordance with the terms of a license granted under this Act.

Regulation of rearing.

4. No rearer shall rear silkworms from silkworm seed other than silkworm seed obtained from a person who holds a license under this Act.

Regulation of disposal of silkworm cocoons.

5. No rearer shall dispose of or agree to dispose of or in pursuance of an agreement entered into, make delivery of any silkworm cocoons for reeling except to a licensed buyer.

Regulation of sale or purchase of silkworm cocoons for reeling.

6. No rearer shall sell or agree to sell, and no licensed buyer shall purchase or agree to purchase silkworm cocoons for reeling, except in cocoon markets or cocoon market yards established under this Act, and at prices other than those fixed from time to time by notification by the Director of Sericulture in Mysore.

Regulation of reeling.

7. No person shall carry on the business of reeling silk from silkworm cocoons unless he holds a license under this Act.

Regulation of possession of silkworm seed.

8. No person shall be in possession of silkworm seed unless —

(*a*) he is a rearer; or

(*b*) he holds a license granted under this Act; or

(*c*) he is authorised in writing by the prescribed officer to possess silkworm seed.

Application for license.

9. Every person who desires to obtain a license under this Act shall make an application to the Licensing Authority in such form as may be prescribed.

Regulation, distribution of silkworm seed.

10. (1) The Government may, from time to time, by notification,—

(*a*) specify the places at which cocoon markets or cocoon market yards shall be located;

(*b*) appoint a Market Officer, and constitute a committee consisting of one representative each of rearers, licensed buyers in charge of charka establishments and filature establishments with the Market Officer as Chairman, for the grading of silkworm cocoons in the cocoon market and regulate generally the procedure for the conduct of business in the cocoon market;

(*c*) fix the basic price at which standard quality cocoons for reeling may be sold or bought;

(*d*) specify a sliding scale of prices for variations from the standard quality calculated on the basic price;

(*e*) specify the sericultural areas in the State to be served by each cocoon market where silkworm cocoon produced within such areas shall be sold;

(*f*) assign zones and markets in which any licensed buyer may carry on his business.

(2) After taking into consideration the quantity of silkworm cocoon available in the State and the scale of operations and consumption of silkworm cocoon by each licensed buyer, the Government may, from time to time, by order, determine quotas of silkworm cocoon to be sold to licensed buyers.

Power to require information and powers of entry, inspection, seizure, etc.

11. (1) The Director of Sericulture in Mysore or any officer authorised in this behalf by the Government by notification, may, with a view to securing compliance with this Act,---

(*a*) require any person licensed under this Act to furnish such information as may be specified ;

(*b*) inspect or cause to be inspected any return, document or account book in the possession of a person licensed under this Act;

(*c*) between the hours of 6 A.M. and 6 P.M. enter and inspect any land, building, vessel, vehicle or place of a person licensed under this Act, with a view to satisfying himself that such licensed person is complying with the provisions of this Act or of any rule or order made thereunder ;

(*d*) at all reasonable times enter and search any land, building, vessel, vehicle or place wherein or in any part of which silkworm seed is stored or is being transported and seize or authorise any person to seize any silkworm seed, including any vessel, receptacle, apparatus, package or covering in which such seed is contained, in respect of which he has reason to believe from personal knowledge or from information given by any person and taken down by him in writing that a contravention of this Act or of any rule or order made thereunder has been or is being committed.

(2) Every owner, occupier or other person in charge of any land, building, vessel, vehicle or place referred to in clauses (*c*) and (*d*) of sub-section (1) shall give all reasonable facilities to the officer authorised under sub-section (1) in carrying out his functions under the said sub-section.

Penalties.

12. (1) Any person who contravenes the provisions of section 3 or 4 shall be punishable with fine which may extend to five hundred rupees.

(2) Any rearer who contravenes the provisions of section 5 or 6 or any other provision of this Act or any rule, order or notification made thereunder, shall be punishable with simple imprisonment for a term which may extend to four weeks or with fine which may extend to twenty-five rupees, or with both.

(3) Any licensed buyer who contravenes the provisions of section 6 or 7 or any other provision of this Act or any rule, order or notification made thereunder, shall be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both.

(4) Save as otherwise provided in sub-sections (1), (2) and (3), any person who contravenes any of the provisions of this Act or of any rule, order or notification thereunder, shall be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

Forfeiture of silkworm seed, etc.

13. Without prejudice to any punishment under section 12, the Court may direct that silkworm seed or any other article in respect of which an offence under this Act has been committed shall be forfeited to the Government.

Composition of offences.

14. (1) Any offence punishable under this Act may be compounded by the Director of Sericulture in Mysore on payment of such amount as may be prescribed.

(2) On the composition of an offence under sub-section (1), the person concerned, if in custody, shall be set at liberty, and if proceedings in any criminal court have been instituted against such person in respect of the offence, the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

Protection of persons acting under the Act.

15. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

Officers to be deemed public servants.

16. Every officer acting in pursuance of the provisions of this Act or rules or orders made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Power of Government to make rules.

17. (1) The Government may, subject to the condition of previous publication, by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,

(*a*) the duties and powers of officers authorised to enforce the provisions of this Act and the manner of constitution of market committees and the powers and duties of such committees;

(*b*) the qualifications of rearers and other persons to whom licenses under this Act may be granted;

(*c*) the grant of licenses and the imposing of conditions in respect of the same and fees for the grant of such licenses;

(*d*) the grant of duplicate licenses and the renewal of licenses and fees for the same;

(*e*) appeals from any order under this Act, the authority to which such appeals shall lie, the time within which such appeals should be made and the procedure for dealing with such appeals;

(*f*) the forms of licenses to be granted under this Act;

(*g*) the fee payable by the licensed buyer in respect of cocoons purchased by him in the cocoon market;

(*h*) the courts by which any offence under this Act shall be cognizable;

(*i*) generally regulating the procedure to be followed in proceedings under this Act;

(*j*) any other matter which may be prescribed under this Act.